

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1143

Introduced by Senator Leno

February 18, 2016

~~An act to amend Section 208.5 of the Welfare and Institutions Code, relating to juveniles. An act to add Section 208.3 to the Welfare and Institutions Code, relating to juveniles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1143, as amended, Leno. ~~Juveniles.~~ *Juveniles: room confinement.*

Existing law permits minors who are detained in juvenile hall for habitual disobedience, truancy, or curfew violation to be held in the same facility as minors who are detained for violating any law or ordinance defining a crime, if they do not come or remain in contact with each other. Existing law also permits the detention of minors in jails and other secure facilities for the confinement of adults if the minors do not come or remain in contact with confined adults and other specified conditions are met.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary detention for a period of 72 hours for the evaluation of a person, including a minor, who is dangerous to himself or herself or others, or gravely disabled, as defined.

This bill would, commencing January 1, 2018, place restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified. The bill would require the performance of room confinement to be conducted in accordance with specified guidelines. By increasing the duties of local entities in connection with local juvenile facilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that the purpose of the juvenile court law is to provide for the protection and safety of the public and of minors under the jurisdiction of the juvenile court. Existing law requires that minors under the jurisdiction of the juvenile court receive the care, treatment, and guidance consistent with their best interests. Existing law requires a minor detained or committed to a juvenile facility who reaches a certain age to be transferred to an adult facility, unless the juvenile court orders continued detention in a juvenile facility, as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 208.3 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 208.3. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) "Juvenile facility" includes any of the following:
- 6 (A) A juvenile hall, as described in Section 850.
- 7 (B) A juvenile camp or ranch, as described in Article 24
- 8 (commencing with Section 880).
- 9 (C) A facility of the Department of Corrections and
- 10 Rehabilitation, Division of Juvenile Facilities.
- 11 (D) A regional youth educational facility, as described in Section
- 12 894.
- 13 (E) A youth correctional center, as described in Article 9
- 14 (commencing with Section 1850) of Chapter 1 of Division 2.5.
- 15 (F) A juvenile regional facility as described in Section 5695.
- 16 (G) Any other local or state facility used for the confinement of
- 17 minors or wards.

1 (2) “Minor” means a person who is any of the following:

2 (A) A person under 18 years of age.

3 (B) A person under the maximum age of juvenile court
4 jurisdiction who is confined in a juvenile facility.

5 (C) A person under the jurisdiction of the Department of
6 Corrections and Rehabilitation, Division of Juvenile Facilities.

7 (3) “Room confinement” means the placement of a minor or
8 ward in a locked sleeping room or cell with minimal or no contact
9 with persons other than correctional facility staff and attorneys.

10 Room confinement does not include confinement of a minor or
11 ward in a single-person room or cell for brief periods of locked
12 room confinement necessary for required institutional operations.

13 (4) “Ward” means a person who has been declared a ward of
14 the court pursuant to subdivision (a) of Section 602.

15 (b) The placement of a minor or ward in room confinement shall
16 be accomplished in accordance with the following guidelines:

17 (1) Room confinement shall not be used before all other
18 less-restrictive options have been attempted and exhausted.

19 (2) Room confinement shall not be used for the purposes of
20 punishment, coercion, convenience, or retaliation by staff.

21 (3) Room confinement shall not be used to the extent that it
22 compromises the mental and physical health of the minor or ward.

23 (c) A minor or ward may be held up to four hours in room
24 confinement. After the minor or ward has been held in room
25 confinement for a period of four hours, staff shall do one or more
26 of the following:

27 (1) Return the minor or ward to general population.

28 (2) Consult with mental health or medical staff.

29 (3) Develop an individualized plan that includes the goals and
30 objectives to be met in order to reintegrate the minor or ward to
31 general population.

32 (d) If room confinement must be extended beyond four hours,
33 staff shall do the following:

34 (1) Document the reason for room confinement and the basis
35 for the extension, the date and time the minor or ward was first
36 placed in room confinement, and when he or she is eventually
37 released from room confinement.

38 (2) Develop an individualized plan that includes the goals and
39 objectives to be met in order to reintegrate the minor or ward to
40 general population.

1 (3) Obtain written authorization by the facility superintendent
2 or the Director of Juvenile Justice or his or her designee every
3 four hours thereafter.

4 (e) This section is not intended to limit the use of single-person
5 rooms or cells for the housing of minors or wards in juvenile
6 facilities and does not apply to normal sleeping hours.

7 (f) This section does not apply to minors or wards in court
8 holding facilities or adult facilities.

9 (g) Nothing in this section shall be construed to conflict with
10 any law providing greater or additional protections to minors or
11 wards.

12 (h) This section shall become operative on January 1, 2018.

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 SECTION 1. ~~Section 208.5 of the Welfare and Institutions~~
19 ~~Code is amended to read:~~

20 ~~208.5. (a) Notwithstanding any other law, in any case in which~~
21 ~~a minor who is detained in, or committed to, a county institution~~
22 ~~established for the purpose of housing juveniles attains 18 years~~
23 ~~of age prior to or during the period of detention or confinement,~~
24 ~~he or she may be allowed to come or remain in contact with those~~
25 ~~juveniles until 19 years of age, at which time he or she, upon the~~
26 ~~recommendation of the probation officer, shall be delivered to the~~
27 ~~custody of the sheriff for the remainder of the time he or she~~
28 ~~remains in custody, unless the juvenile court orders continued~~
29 ~~detention in a juvenile facility. If continued detention is ordered~~
30 ~~for a ward under the jurisdiction of the juvenile court who is 19~~
31 ~~years of age or older, but under 21 years of age, the detained person~~
32 ~~may be allowed to come into or remain in contact with any other~~
33 ~~person detained in the institution subject to the requirements of~~
34 ~~subdivision (b). The person shall be advised of his or her ability~~
35 ~~to petition the court for continued detention in a juvenile facility~~
36 ~~at the time of his or her attainment of 19 years of age.~~
37 ~~Notwithstanding any other law, the sheriff may allow the person~~
38 ~~to come into and remain in contact with other adults in the county~~
39 ~~jail or in any other county correctional facility in which he or she~~
40 ~~is housed.~~

1 ~~(b) The county shall apply to the Corrections Standards~~
2 ~~Authority for approval of a county institution established for the~~
3 ~~purpose of housing juveniles as a suitable place for confinement~~
4 ~~before the institution is used for the detention or commitment of~~
5 ~~an individual under the jurisdiction of the juvenile court who is~~
6 ~~19 years of age or older, but under 21 years of age where the~~
7 ~~detained person will come into or remain in contact with persons~~
8 ~~under 18 years of age who are detained in the institution. The~~
9 ~~authority shall review and approve or deny the application of the~~
10 ~~county within 30 days of receiving notice of this proposed use. In~~
11 ~~its review, the authority shall take into account the available~~
12 ~~programming, capacity, and safety of the institution as a place for~~
13 ~~the combined confinement and rehabilitation of individuals under~~
14 ~~the jurisdiction of the juvenile court who are over 19 years of age~~
15 ~~and those who are under 19 years of age.~~